

December 11, 2006  
Case No.: DE 030105 (7790/464)  
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**REMARKS**

**Specification.** In the Non-Final Office action, Examine Shah objected to the title of the specification. The Applicant has amended the title of the specification herein and has amended the specification to change the spelling of "molar" to "molar". No new matter was introduced by the amendment of the specification herein. Withdrawal of the objection to the specification is therefore respectfully requested.

**Claims.** In the Non-Final Office Action, Examiner Sanei objected to and rejected pending claims 1-8 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 C.F.R. § 1.112:

**A. Examiner Sanei objected to claims 3-6 on various grounds**

The Applicant has amended claims 3-6 herein to obviate this objection to claim 3-6. Withdrawal of the objection of claims 3-6 is therefore respectfully requested.

**B. Examiner Sanei rejected claims 1-4, 6 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,137,230 to *Born* et al.**

The Applicant has thoroughly considered Examiner Sanei's remarks concerning the patentability of claims 1-4, 6 and 8 over the *Born*. The Applicant has also thoroughly read the *Born*. To warrant this §102(b) rejection of claims 1-4, 6 and 8, *Born* must show each and every limitation of independent claim 1 in as complete detail as is contained in independent claim 1. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claim 1, because, among other things, *Born* fails to show "characterized in that it comprises, as filling, only zinc, a halogen and a rare gas" in as complete detail as recited in independent claim 1.

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Specifically, a proper understanding of *Born* reveals the fact that *Born* teaches a filing for a discharge lamp that comprises at least NaI. See, Born at the Abstract; column 1, lines 1-10; column 1, lines 51-54; column 3, line 45 to column 4, line 35; and claim 1. The incorporation of the alkali metal sodium (NA) as taught by *Born* improperly contravenes the limitation of "only zinc, a halogen and a noble gas" as recited in independent claim 1 irrespective of the form of zinc as metallic Zn, ZnI<sub>2</sub> or any other form as taught by *Born*.

Withdrawal of the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by *Born* is therefore respectfully requested.

Claims 2-4, 6 and 8 depend from independent claim 1. Therefore, dependent claims 2-4, 6 and 8 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-4, 6 and 8 are allowable *Born* for at least the same reason as set forth herein with respect to independent claim 1 being allowable *Born*. Withdrawal of the rejection of dependent claims 2-4, 6 and 8 under 35 U.S.C. §102(b) as being anticipated by *Born* is therefore respectfully requested.

C. Examiner Rosenbaum rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over by U.S. Patent No. 6,137,230 to *Born* et al. in view of U.S. Patent No. 4,941,743 to *Hadeishi* et al.

Claim 5 depends from independent claim 1. Therefore, dependent claim 5 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 5 is allowable over *Born* in view of *Hadeishi* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Born*. Withdrawal of the rejection of dependent claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Born* in view of *Hadeishi* is therefore respectfully requested.

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**D.** Examiner Rosenbaum rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over by U.S. Patent No. 6,137,230 to *Born* et al. in view of U.S. Patent No. 4,742,268 to *Caruso* et al.

Claim 7 depends from independent claim 1. Therefore, dependent claim 7 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 7 is allowable over *Born* in view of *Caruso* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Born*. Withdrawal of the rejection of dependent claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Born* in view of *Caruso* is therefore respectfully requested.

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**SUMMARY**

The Applicant respectfully submits that claims 1-8 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Sanei is respectfully requested to contact the undersigned at the telephone number listed below.

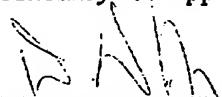
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Respectfully submitted,  
Johannes Bair et al.

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